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Contents

<i>Preface</i>	<i>ix</i>
<i>Teacher's Guide for National Security Law (4th edition)</i>	<i>xi</i>
<i>Teacher's Guide for Counterterrorism Law</i>	<i>xvii</i>
<i>Table of Cases</i>	<i>xxi</i>
Senate Select Committee on Intelligence, <i>Report on Public Statements Regarding Iraq</i>	1
Executive Order No. 12,333 (as amended)	7
Notes and Questions	23
Executive Order No. 12,333 (as amended), §1.7(c)	25
<i>Mayfield v. United States</i>	25
<i>In re Directives [Redacted Text]</i>	30
FISA Amendments Act of 2008	43
<i>Warshak v. United States</i>	58
<i>John Doe, Inc. v. Mukasey (Doe V)</i>	70
<i>MacWade v. Kelly</i> (2d Cir.)	81
<i>Tabbaa v. Chertoff</i>	89

Contents

Organization and Coordination of Counterterrorism Investigations (replacement chapter)	102
<i>In re Terrorist Bombings of U.S. Embassies in East Africa</i> (2d Cir.)	134
<i>Iqbal v. Hasty</i> (2d Cir.)	145
<i>Ashcroft v. Iqbal</i> (S. Ct.)	154
<i>Johnson v. Eisentrager</i>	158
<i>Boumediene v. Bush</i> (S. Ct. 2008)	165
<i>Al Maqaleh v. Gates</i>	196
<i>Al-Marri v. Pucciarelli</i> (4th Cir. en banc)	213
<i>Al-Marri v. Spagone</i> (S. Ct.)	244
<i>Boumediene v. Bush</i> (D.D.C. 2008)	244
Note	249
Remarks by President Obama, <i>Protecting Our Security and Our Values</i>	250
Jack Goldsmith, <i>Long-Term Terrorist Detention and Our National Security Court</i>	254
Senate Armed Services Committee, <i>Treatment of Detainees in U.S. Custody</i>	255
Note	261
Executive Order No. 13,491, <i>Ensuring Lawful Interrogations</i>	262
<i>United States v. Abu Ali</i>	265

Contents

<i>United States v. Rosen</i>	278
Military Commissions Act of 2006	290
General Counsel of the Department of Defense, <i>Changes to the Manual for Military Commissions</i>	303
Remarks by President Obama, <i>Protecting Our Security and Our Values</i>	304
GAO, <i>National Preparedness: FEMA Has Made Progress</i>	305
Statement by the President, <i>White House Organization for Homeland Security and Counterterrorism</i>	307
10 U.S.C. §333 (as amended in 2008)	308
Office of Legal Counsel, <i>Re: October 23, 2001 OLC Opinion Addressing the Domestic Use of Military Force to Combat Terrorist Activities</i>	309
Office of the Attorney General, <i>The Freedom of Information Act (FOIA)</i>	312
Note on Open Government Act of 2007	314
Executive Order No. 13,489, <i>Presidential Records</i>	315
<i>El-Masri v. United States</i>	318
Note	332
State Secrets Protection Act	334
<i>United States v. Rosen</i>	339
<i>United States v. Rosen</i>	352
Suing Terrorists and Their Supporters (replacement chapter)	353

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Preface

The continuing torrent of developments in the national security law field is both bane and blessing for teachers. Just trying to keep up with these developments is exceptionally challenging. But for those of us who love to teach off the front page of each day's newspaper, and who seek new opportunities to help students understand their role as legal professionals in society, the dynamic quality of our subject is one of its greatest attractions. Thus, we present here a Supplement of some 400 pages for teaching materials that were published only a couple of years ago.

This year's Supplement includes new information about the rationale for the war in Iraq, a second decision from the FISA Court of Review (*In re Directives [Redacted Text]*), and the latest in a remarkable series of rulings on national security letters (*John Doe, Inc. v. Mukasey (Doe V)*). Also included here are a new Second Circuit decision on the extra-territorial application of the 4th Amendment (*In re Terrorist Bombings of U.S. Embassies in East Africa*), the Supreme Court's decision in a suit for damages alleging mistreatment of a terrorism suspect in custody (*Ashcroft v. Iqbal*), and a dramatic post-*Boumediene* decision concerning the reach of the writ of habeas corpus to Afghanistan (*Al Maqaleh v. Gates*). The election of a new President has, predictably, brought a number of changes as well, and many of those are reflected here in executive orders, speeches, and materials from the Justice Department.

Some changes have made whole chapters of the casebooks obsolete. This Supplement accordingly includes two entirely new replacement chapters, one dealing with the organization and coordination of counterterrorism investigations, the other with tort suits against terrorists and their sponsors.

This Supplement is unusual in another way. It serves two closely related casebooks: *National Security Law (4th ed.)* and *Counterterrorism Law*. This Preface is followed immediately by two Teacher's Guides, one for each book, which indicate the placement of supplemental

Preface

materials in each casebook. Each new document is accompanied by a reference to one or both casebooks. For example, the decision in *Tabbaa v. Chertoff* appears with this instruction: [NSL p. 613, insert after Note 9. CTL p. 238, insert after Note 10.]. “NSL” refers to *National Security Law (4th ed.)*, “CTL” to *Counterterrorism Law*.

We expect the frenetic pace of developments to continue for the foreseeable future, with two wars still underway, looming threats in Iran and North Korea, a flood of national security-related litigation working its way through the court system, and the articulation of new policies by the Obama administration. As notable events occur, we will continue to document them by posting edited new materials on the Websites for the two casebooks, from which they may be downloaded by teachers and shared with students. The website for *National Security Law (4th ed.)* is at http://www.aspenlawschool.com/books/dycus_nationalsecurity/; for *Counterterrorism Law* at http://www.aspenlawschool.com/books/dycus_counterterrorism/.

As always, we are extremely grateful to our adopters, fellow members of the growing National Security Law Section of the Association of American Law Schools, fellow members of the editorial board of the *Journal of National Security Law & Policy*, fellow casebook authors (our collaborators in building the field), and our many friends in the national security community. We also wish to thank our research assistants: Laura Zuber and Andrea Masselli at Syracuse University College of Law; Sara T. Niazi at George Washington University Law Center; and Daniel Burke, Kimberly Chehardy, Michael Cretella, Eric Goldwarg, Caitlin Morgenstern, and Taylor Neff at Vermont Law School. Thanks are due as well to our copy editor, Darren Kelly, for his help in preparing this Supplement. Finally, we are grateful to Eric Holt, Melody Davies, and Carol McGeehan of Aspen Publishers for their continued encouragement and support.

Stephen Dycus
William C. Banks
Peter Raven-Hansen

July 15, 2009

Teacher's Guide for National Security Law (4th Edition)

*Casebook
Page*

*Page in this
Supplement*

Chapter 12. Preemptive War

Page 315	Senate Select Committee on Intelligence, <i>Report on Public Statements Regarding Iraq</i>	1
----------	---	---

Chapter 15. Covert Action

Page 397	Executive Order No. 12,333 (as amended)	7
Pages 400-410	Notes and Questions	23

Chapter 16. Other Legal Problems in the Intelligence Field

Page 444	Executive Order No. 12,333 (as amended), §1.7(c)	25
----------	--	----

Chapter 19. Congressional Authority for National Security Surveillance

Page 546	<i>Mayfield v. United States</i>	25
Page 556	<i>In re Directives [Redacted Text]</i>	30
Page 556	FISA Amendments Act of 2008	43

**Chapter 20. Third-Party Records
and Data Mining**

Page 559	<i>Warshak v. United States</i>	58
Page 581	<i>John Doe, Inc. v. Mukasey (Doe V)</i>	70

Chapter 21. Screening for Security

Page 590	<i>MacWade v. Kelly</i> (2d Cir.)	81
Page 613	<i>Tabbaa v. Chertoff</i>	89

**Chapter 22. Organization and Coordination of
Counterterrorism Investigations**

Page 614	Replacement chapter	102
----------	---------------------	-----

Chapter 23. Surveillance Abroad

Page 650	<i>In re Terrorist Bombings of U.S. Embassies in East Africa</i> (2d Cir.)	134
----------	--	-----

**Chapter 24. Civil Detention of
Terrorist Suspects**

Page 679	<i>Iqbal v. Hasty</i> (2d Cir.)	145
Page 679	<i>Ashcroft v. Iqbal</i> (S. Ct.)	154

Chapter 25. Suspending the Great Writ

Page 690	<i>Johnson v. Eisentrager</i>	158
Page 702	<i>Boumediene v. Bush</i> (S. Ct. 2008)	165
Page 702	<i>Al Maqaleh v. Gates</i>	196

Chapter 26. Military Detention

Page 758	<i>Al-Marri v. Pucciarelli</i> (4th Cir. en banc)	213
Page 758	<i>Al-Marri v. Spagone</i> (S. Ct.)	244
Page 758	<i>Boumediene v. Bush</i> (D.D.C. 2008)	244
Page 758	Note	249
Page 758	Remarks by President Obama, <i>Protecting Our Security and Our Values</i>	250
Page 758	Jack Goldsmith, <i>Long-Term Terrorist Detention and Our National Security Court</i>	254

Chapter 27. Interrogating Terrorist Suspects

Page 788	Senate Armed Services Committee, <i>Treatment of Detainees in U.S. Custody</i>	255
Page 792	Note	261
Page 799	Executive Order No. 13,491, <i>Ensuring Lawful Interrogations</i>	262

Chapter 29. Secret Evidence

Page 866	<i>United States v. Abu Ali</i>	265
Page 866	<i>United States v. Rosen</i>	278

Chapter 30. Trial by Military Commission

Page 906	Military Commissions Act of 2006	290
Page 906	General Counsel of the Department of Defense, <i>Changes to the Manual for Military Commissions</i>	303
Page 906	Remarks by President Obama, <i>Protecting Our Security and Our Values</i>	304

Chapter 31. Managing a WMD Attack

Page 923	GAO, <i>National Preparedness: FEMA Has Made Progress</i>	305
----------	---	-----

Teacher's Guide for National Security Law (4th ed.)

Page 923	Statement by the President, <i>White House Organization for Homeland Security and Counterterrorism</i>	307
----------	--	-----

Chapter 32. The Domestic Role of the Armed Forces

Page 954	10 U.S.C. §333 (as amended in 2008)	308
Page 969	Office of Legal Counsel, <i>Re: October 23, 2001 OLC Opinion Addressing the Domestic Use of Military Force to Combat Terrorist Activities</i>	309

Chapter 34. Statutory Access to National Security Information

Page 993	Office of the Attorney General, <i>The Freedom of Information Act (FOIA)</i>	312
Page 997	Note on Open Government Act of 2007	314
Page 1016	Executive Order No. 13,489, <i>Presidential Records</i>	315

Chapter 35. Access to National Security Information in Civil Litigation

Page 1050	<i>El-Masri v. United States</i>	318
Page 1050	Note	332
Page 1050	State Secrets Protection Act	334

Chapter 36. Restraining Unauthorized Disclosures of National Security Information

Page 1077	<i>United States v. Rosen</i>	339
-----------	-------------------------------	-----

***Chapter 37. Restraints on Publication of
National Security Information***

Page 1091

United States v. Rosen

352

* * *

Teacher's Guide for Counterterrorism Law

Casebook
Page

Page in this
Supplement

Chapter 5. Congress and Counterterrorism Intelligence

Page 155	<i>Mayfield v. United States</i>	25
Page 174	<i>In re Directives [Redacted Text]</i>	30
Page 174	FISA Amendments Act of 2008	43

Chapter 6. Third-Party Records and Data Mining

Page 177	<i>Warshak v. United States</i>	58
Page 200	<i>John Doe, Inc. v. Mukasey (Doe V)</i>	70

Chapter 7. Screening for Security

Page 238	<i>Tabbaa v. Chertoff</i>	89
----------	---------------------------	----

Chapter 8. Organizing and Coordinating Counterterrorism Investigations

Page 239	Replacement chapter	102
----------	---------------------	-----

Chapter 9. Investigating Abroad

Page 278	<i>In re Terrorist Bombings of U.S. Embassies in East Africa (2d Cir.)</i>	134
----------	--	-----

**Chapter 10. Civil Detention of
Terrorist Suspects**

Page 310	<i>Iqbal v. Hasty</i> (2d Cir.)	145
Page 310	<i>Ashcroft v. Iqbal</i> (S. Ct.)	154

Chapter 11. Suspending the Great Writ

Page 336	<i>Boumediene v. Bush</i> (S. Ct. 2008)	165
Page 336	<i>Al Maqaleh v. Gates</i>	196

**Chapter 12. Military Detention
of Terrorist Suspects**

Page 398	<i>Al-Marri v. Pucciarelli</i> (4th Cir. en banc)	213
Page 398	<i>Al-Marri v. Spagone</i> (S. Ct.)	244
Page 398	<i>Boumediene v. Bush</i> (D.D.C. 2008)	244
Page 398	Note	249
Page 398	Remarks by President Obama, <i>Protecting Our Security and Our Values</i>	250
Page 398	Jack Goldsmith, <i>Long-Term Terrorist Detention and Our National Security Court</i>	254

Chapter 13. Interrogating Terrorist Suspects

Page 429	Senate Armed Services Committee, <i>Treatment of Detainees in U.S. Custody</i>	255
Page 434	Note	261
Page 446	Executive Order No. 13,491, <i>Ensuring Lawful Interrogations</i>	262

**Chapter 17. Trying Suspected Terrorists
as Criminals**

Page 540	<i>United States v. Abu Ali</i>	265
Page 540	<i>United States v. Rosen</i>	278

***Chapter 18. Trying Suspected Terrorists
as Unlawful Enemy Combatants***

Page 600	General Counsel of the Department of Defense, <i>Changes to the Manual for Military Commissions</i>	303
Page 600	Remarks by President Obama, <i>Protecting Our Security and Our Values</i>	304

Chapter 20. Responding to a WMD Attack

Page 646	GAO, <i>National Preparedness: FEMA Has Made Progress</i>	305
Page 646	Statement by the President, <i>White House Organization for Homeland Security and Counterterrorism</i>	307

***Chapter 21. The Military's Domestic Role
in Counterterrorism***

Page 679	10 U.S.C. §333 (as amended in 2008)	308
Page 697	Office of Legal Counsel, <i>Re: October 23, 2001 OLC Opinion Addressing the Domestic Use of Military Force to Combat Terrorist Activities</i>	309

***Chapter 23. Suing Terrorists
and Their Supporters***

Page 733	Replacement chapter	353
----------	---------------------	-----

* * *

Table of Cases

- Abu Ali, United States v., 265
Al Maqaleh v. Gates, 196
Al-Marri v. Pucciarelli (4th Cir. en banc), 213
Al-Marri v. Spagone (S. Ct.), 244
Ashcroft v. Iqbal (S. Ct.), 154
- Boim v. Holy Land Found. for Relief and Dev. (*Boim III*)
(7th Cir. en banc), 354
Boumediene v. Bush (S. Ct. 2008), 165
Boumediene v. Bush (D.D.C. 2008), 244
- El-Masri v. United States, 318
- Gates v. Syrian Arab Republic, 370
- In re Directives [Redacted Text], 30
In re Terrorist Bombings of U.S. Embassies
in East Africa (2d Cir.), 134
Iqbal v. Hasty (2d Cir.), 145
- John Doe, Inc. v. Mukasey (*Doe V*), 70
Johnson v. Eisentrager, 158
- MacWade v. Kelly (2d Cir.), 81
Mayfield v. United States, 25
- Republic of Iraq v. Beaty, 378
Rosen, United States v. (445 F. Supp. 2d 602), 339, 352
Rosen, United States v. (487 F. Supp. 2d 703), 278
- Tabbaa v. Chertoff, 89
- Warshak v. United States, 58

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